



NEWS

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(415) 865-7740
Lynn Holton, Public Information Officer

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JUNE 18, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-68 Wilson v. Parker, Covert & Chidester, S097444. (E025710, E025832, E026853; 87 Cal.App.4th 1337.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case concerns whether a trial court's interim rulings granting a preliminary injunction and denying a special motion under the anti-SLAPP statute (Code Civ. Proc., § 425.16) to strike a claim for damages give rise to a presumption that the underlying claims were brought with probable cause for purposes of a subsequent action for malicious prosecution.

#01-69 People v. Benitez, S096868. (C031974; 87 Cal.App.4th 1018.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Toledo, S089957 (#00-115), which concerns whether the general attempt statute does, and constitutionally may, apply to create the crime of an attempted violation of Penal Code section 422 (terrorist threats).

#01-70 Flores v. City and County of San Francisco, S097661. (A088759.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a summary judgment in a civil action. The court ordered briefing deferred pending decision in

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Hooker v. Department of Transportation, S091601 (#00-139), which concerns whether under the decisions in Privette v. Superior Court (1993) 5 Cal.4th 689 and Toland v. Sunland Housing Group, Inc. (1998) 18 Cal.4th 253, an employee of an independent contractor is barred from pursuing a lawsuit against the hirer of the independent contractor on the theory the hirer negligently exercised control it had retained.

#01-71 People v. Lee, S096531. (G026045.) Unpublished opinion. Petition for review after the Court of Appeal affirmed an order of commitment as a sexually violent predator. The court ordered briefing deferred pending decision in People v. Otto, S088807 (#00-101), which concerns whether Welfare and Institutions Code section 6600, subdivision (a), permitting the details of predicate offenses to be proved by documentary evidence in Sexually Violent Predator proceedings, allows admission of multiple hearsay that does not fall within any exception to the hearsay rule, and, if so, whether it violates the defendant's due process right to confrontation.

#01-72 Tabares v. The Daily News, S097329. (B139309.) Unpublished opinion. Petition for review after the Court of Appeal reversed a summary judgment in a civil action. The court ordered briefing deferred pending decision in Richards v. CH2M Hill, Inc., S087484 (#00-80), which concerns the extent to which the continuing violation doctrine permits an employee to recover for a pattern of discriminatory conduct that occurred over a long period of time and that commenced outside the limitation period of the Fair Employment and Housing Act.

STATUS

#01-27 People v. Mower, S094490. The court limited review to the issue of the meaning and effect of subdivision (d) of section 11362.5 of the Health and Safety Code.

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